

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
Chief, Criminal Division

4 RANDY S. LUSKEY (CABN 240915)
Assistant United States Attorney

5 450 Golden Gate Ave., Box 36055
6 San Francisco, California 94102
7 Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: randall.luskey@usdoj.gov

8 Attorneys for the United States

10 UNITED STATES MAGISTRATE COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. 3:12-mj-71335-MAG
14 Plaintiff,) [PROPOSED] ORDER AND
15 v.) STIPULATION FOR CONTINUANCE
16 TERRY JACKSEN,) FROM JANUARY 7, 2013 TO JANUARY
ERIC MENDONCA, and) 9, 2013 AND WAIVING TIME LIMITS
17 JACK DAVID POLLACK) UNDER RULE 5.1
18 Defendant.

19
20 With the agreement of the parties, and with the consent of the defendants, the Court
21 enters this order scheduling a preliminary hearing date of January 9, 2013 at 9:30 a.m. before the
22 duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date
23 under Federal Rule of Criminal Procedure 5.1 until January 9, 2013. The Court originally set a
24 preliminary hearing date of January 7, 2013 for all three defendants in this matter. The
25 government is requesting a two day continuance of the preliminary hearing/arraignment date due
26 to logistical issues associated with the holiday schedule of the grand jury. Defense counsel has
27 all agreed to the two-day continuance. The parties agree, and the Court finds and holds, as
28 follows:

1 1. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
2 preliminary hearing until January 9, 2013.

3 2. All parties agree that good cause exists to postpone the preliminary hearing.

4 3. The Court finds that, taking into the account the public interest in the prompt
5 disposition of criminal cases, these grounds are good cause for extending the time limits for a
6 preliminary hearing under Federal Rule of Criminal Procedure 5.1.

7 4. Time has already been excluded under the Speedy Trial Act through January 7, 2013.

8 5. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
9 hearing date before the duty magistrate judge on January 9, 2013, at 9:30 a.m., and (2) orders that
10 the period until January 9, 2013, be excluded from the time period for preliminary hearings under
11 Federal Rule of Criminal Procedure 5.1.

12

13 IT IS SO STIPULATED:

14

15 DATED: December 31, 2012 _____ /s
16 ELIZABETH FALK
Attorney for Defendant MENDONCA

17 DATED: December 31, 2012 _____ /s
18 DEBORAH LEVINE
Attorney for Defendant JACKSEN

19 DATED: December 31, 2012 _____ /s
20 RICHARD MAZER
Attorney for Defendant POLLACK

21
22 DATED: December 31, 2012 _____ /s _____
23 RANDY S. LUSKEY
Assistant United States Attorney

25 | IT IS SO ORDERED.

26 DATED: January 3, 2013
27 HON. NATHANAEL COUSINS LAUREL BEELER
United States Magistrate Judge